

Such collections could be misleading.

In addition to the above, such data can be invaluable in identifying problems which will permit making mid-course corrections if a pattern of under expenditure or under enrollment exists. Since the program only operates for six-eight weeks for most youth, it is critical that information be collected in an orderly manner which allows corrections and provides a picture of what is happening in each State.

**Theresa M. O'Malley,**

*Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-33,229]

#### **Avesta Sheffield East, Incorporated Baltimore, Maryland; Notice of Revised Determination On Reconsideration**

On April 2, 1997, the Department issued a Negative Determination Regarding Eligibility to Apply Worker Adjustment Assistance, applicable to all workers of Avesta Sheffield, Incorporated, Baltimore, Maryland. The notice was published in the **Federal Register** on April 15, 1997 (FR 62 18361).

Investigation findings show that the workers produced small and medium size stainless steel plates. The workers were denied TAA because the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. This test is generally determined through a survey of the workers' firm's major declining customers.

By letter postmarked April 9, 1997, the United Steelworkers of America union representative requested administrative reconsideration of the Department's findings.

Findings on reconsideration show that the company closed in January 1997. The findings further revealed that major customers of the subject firm increased their purchases of imported small and medium size stainless steel plates in the relevant period.

#### **Conclusion**

After careful consideration of the new facts obtained on reconsideration, it is concluded that the workers of Avesta Sheffield East, Incorporated of Baltimore, Maryland were adversely affected by increased imports of articles like or directly competitive with small and medium size stainless steel plates produced at the subject firm.

"All workers of Avesta Sheffield East, Incorporated of Baltimore, Maryland who became totally or partially separated from employment on or after February 13, 1996 through two years from the date of certification are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC this 27th day of May 1997.

**Russell T. Kile,**

*Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-31,385]

#### **Johnson Controls Battery Group, Inc. Louisville, Kentucky; Notice of Negative Determination of Reconsideration On Remand**

The United States Court of International Trade (USCIT) remanded for further investigation the Secretary of Labor's negative determination in *International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW Local 1288 and Employees and Former Employees of Johnson Controls Battery Group, Inc. v. Robert Reich, Secretary of Labor* (96-04-01141).

The Department's initial denial of the petition for employees of Johnson Controls Battery Group Inc., Louisville, Kentucky was issued on October 13, 1995 and published in the **Federal Register** on October 27, 1995 (60 FR 55063). The denial was based on the fact that criterion (3) of the Group Eligibility Requirements of Section 222 of the Trade Act of 1974, as amended, was not met. The subject plant transferred production to another domestic location. Therefore, increased imports did not contribute importantly to worker separations.

On November 13, 1995, the petitioners requested administrative reconsideration of the Department's denial, which also resulted in affirmation of the initial negative decision. The determination was issued on February 6, 1996 and published in the **Federal Register** on February 21, 1996 (61 FR 6658).

In response to the UAW's request for judicial review of the Labor Department's finding in this case, on February 4, 1997, the USCIT remanded

the case to the Department of Labor for further investigation.

On remand, the Department reviewed the previously certified adjustment assistance petitions for workers of Johnson Controls, Incorporated located in Bennington, Vermont (TA-W-29,403); Owosso, Michigan (TA-W-30,659); and Garland, Texas (TA-W-30,863). In each of these investigations customers of the respective subject firm were primarily aftermarket retailers. Each of these investigations resulted in a worker group certification because all of the Group Eligibility Requirements of Section 222 of the Trade Act of 1974, as amended, were met. There were declines in company sales and or production, employment declined and it was determined that imports "contributed importantly" to worker separations. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. Customers of the Johnson Controls, Incorporated locations in Bennington, Vermont, Owosso, Michigan and Garland, Texas reported increased imports of aftermarket automotive batteries in the relevant time periods.

Findings on remand show that the customer base at the Louisville plant was different from the above cited Johnson Control locations. In Louisville, new car producers were the primary customers, purchasing original equipment automotive batteries.

Remand findings affirmed that the automotive battery production at the Louisville, Kentucky plant was not shifted to a foreign country, but to another domestic facility of Johnson Controls.

Investigation findings on remand show that although criteria (1) and (2) of the Group Eligibility Requirements of Section 222 of the Trade Act of 1974, as amended, were met, criterion (3) was not met because the customers of the subject firm did not increase purchases of imported automotive batteries. Thus, increased imports of automotive batteries did not contribute to Johnson Control's decline in sales and production and employment at Louisville, Kentucky.

#### **Conclusion**

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Johnson Controls